

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**Christopher Chin,
on behalf of himself and all
others similarly situated,**

Civil No. 13-CV-2969 (SRN/JSM)

ORDER

Plaintiff,

v.

The Tile Shop, LLC,

Defendant.

J. Derek Braziel, Lee & Braziel, LLP, 1801 N. Lamar St., Suite 325, Dallas, TX 75202; Rowdy B. Meeks, Rowdy Meeks Legal Group, LLC, 10601 Mission Road, Suite 100, Leawood, KS 66206; Paul J. Lukas and Michele R. Fisher, Nichols Kaster, PLLP, 80 South 8th Street, Suite 4600, Minneapolis, MN 55402-2242, for Plaintiff.

Joseph M. Sokolowski, Lindsay J. Sokolowski, and Krista A.P. Hatcher, Fredrikson & Byron, PA, 200 South 6th Street, Suite 4000, Minneapolis, MN 55402-1425, for Defendant.

SUSAN RICHARD NELSON, United States District Court Judge

Defendant The Tile Shop, LLC (“The Tile Shop”) requests permission to file a sur-reply in response to the Reply Memorandum in Support of Plaintiff’s Motion for Partial Summary Judgment. (Letter of 8/3/16 at 1-2 [Doc. No. 133].) The Tile Shop contends that Plaintiff raised new grounds for his motion in the Reply Memorandum and presented matters that were not related to Defendant’s Memorandum in Opposition. (*Id.* at 1.)

The Court disagrees. The Fair Labor Standards Act (“FLSA”) legislative history

referenced in Plaintiff's Reply, (Pl.'s Reply at 3-7 [Doc. No. 130]), responds to case law presented in Defendant's Memorandum in Opposition that discusses the congressional intent behind the FLSA. (Def.'s Opp'n Mem. at 10-12 [Doc. No. 120].) The information in Plaintiff's Reply concerning certain procedures of The Tile Shop, (Pl.'s Reply at 2-3), is also responsive to a lengthy discussion of Defendant's processes and procedures found in Defendant's Memorandum in Opposition. (Def.'s Opp'n Mem. at 3-7.) Accordingly, the Court finds no violation of the Local Rules and denies The Tile Shop's request to file a sur-reply. Defendant, of course, is free to respond to any of Plaintiff's arguments at the hearing on the parties' motions.

Dated: August 4, 2016

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Court Judge